

**REMARKS****Provisional Rejection under the Judicially Created Doctrine of Obviousness-****Type Double Patenting**

Claims 1-21 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-9 of co-pending Application No. 10/726,329. Applicants submit as both applicants are pending, any action by Applicants with regard to this provisional rejection is premature and under MPEP § 804(I)(B) "if the 'provisional' double patenting rejection in the one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patent rejection in the other application into a double patenting rejection at the time the one application issues as a patent. Accordingly, Applicants request the withdrawal of this rejection and allow the application to issue as a patent.

Respectfully submitted,

By \_\_\_\_\_

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